

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES TAYLOR,

Plaintiff,

Civil Action No. 14-CV-11585

v.

Honorable Patrick J. Duggan

RUSSELL SAVOIE and
NICHOLAS SANFORD,

Defendants.

**ORDER (1) ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, (2) GRANTING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT, (3) DENYING AS MOOT PLAINTIFF'S
REQUEST FOR APPOINTMENT OF COUNSEL, and (4) DISMISSING
COMPLAINT WITHOUT PREJUDICE**

Proceeding *pro se*, Plaintiff Charles Taylor, a Michigan Department of Corrections (MDOC) prisoner, filed this civil rights lawsuit in the Western District of Michigan on February 25, 2014. The case was subsequently transferred to this Court. The remaining Defendants are Russell Savoie and Nicholas Sanford, both of whom are MDOC unit officers. The Court referred all pretrial matters to Magistrate Judge Michael Hluchaniuk.

On August 1, 2014, Defendants Savoie and Sanford filed a motion for summary judgment, arguing, among other things, that the complaint should be dismissed because Plaintiff failed to exhaust his administrative remedies. On April

17, 2015, Plaintiff filed a request for appointment of counsel. On April 23, 2015, the Magistrate Judge issued a Report and Recommendation (R&R), recommending that the Court grant summary judgment in favor of Defendants Savoir and Sanford and dismiss the complaint without prejudice on the ground that Plaintiff failed to exhaust his administrative remedies. At the conclusion of the R&R, Magistrate Judge Hluchaniuk advised the parties that they may object and seek review of the R&R within fourteen days, and that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” R&R at 14 (ECF No. 17). Plaintiff has not filed objections to the R&R and the time to do so has expired.¹

The Court has carefully reviewed the R&R and concurs with the conclusions reached by the Magistrate Judge. The Court therefore adopts the R&R. Accordingly,

IT IS ORDERED that the R&R is **ADOPTED**;

IT IS FURTHER ORDERED that the motion for summary judgment of Defendants Savoir and Sanford is **GRANTED**;

¹ On May 15, 2015, Plaintiff filed a paper addressed to Magistrate Judge Hluchaniuk stating that Plaintiff “is requesting that this case be sent to a jury for judgment,” but containing no argument as to why the Magistrate Judge’s R&R is erroneous. ECF No. 18. To the extent this paper constitutes an objection, the Court overrules it. *See Cowherd v. Million*, 380 F.3d 909, 912 (6th Cir. 2004) (“[T]he failure to file specific objections to a magistrate’s report constitutes a waiver of those objections.”).

IT IS FURTHER ORDERED that Plaintiff's request for appointment of counsel is **DENIED AS MOOT**;

IT IS FURTHER ORDERED that the complaint is **DISMISSED WITHOUT PREJUDICE**.

Dated: May 18, 2015

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Charles Taylor
Kevin R. Himebaugh, Esq.